

ZONING

Z Attachment 3

Appendix A - Special Permitted Uses

Compassion Center — Distributer. [Ord. No. 1075]

- a. Applications for an SPU for Compassion Center — Distributer may only be approved if contingent on a successful application and approval of application to State for registration as a Compassion Center.
- b. An SPU for Compassion Center — Distributer may not be located within 1,000 feet of the property line of a pre-existing public or private school or church. However, it may be located within the outlined “exception area” within the attached map, in keeping with State required distances.
- c. An SPU for Compassion Center — Distributer may not be located within 300 feet of a residential zone. However, it may be located within the outlined “exception area” within the attached map, in keeping with State required distances.
- d. An SPU for Compassion Center — Distributer may not be located with residential zoning on any side of the property. However, it may be located within the outlined “exception area” within the attached map, in keeping with State required distances.
- e. At time of application, applicant must provide a copy of intended application for a Compassion Center to the State.
- f. At time of application, applicant must provide a copy of a notarized statement signed by the applicant holding the City harmless against claims and litigation for issuing an SPU.
- g. If approved by the State the applicant shall submit a copy of the current permit to the Planning and Zoning Department. In addition, the applicant must begin the construction or opening process by submitting building permits, showing that work toward becoming operational, or opening within 30 days of the issuance of state approval. If a Compassion Center — Distributer has been approved, it must be operational within 18 months of State approval. If this is not done, the SPU will automatically become invalid.
- h. The Planning and Zoning Commission, following the meeting at which the proposed SPU for Compassion Center — Distributer was considered, shall make written findings certifying compliance with the specific rules governing compassion centers, that the compassion center will not adversely affect the public interest, and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - (i) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - (ii) Off-street parking and loading areas where required with particular attention to the items in (i) above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties generally in the district.

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- (iii) Refuse and service areas, with particular reference to the items in (i) and (ii) above.
- (iv) Utilities, with reference to locations, availability, and compatibility.
- (v) Screening and buffering with reference to type, dimensions, and character.
- (vi) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- (vii) Required yards and other open space.
- (viii) General compatibility with adjacent properties and other property in the district.
- (ix) Use shall not impose a hazard to health or property.

i. Revocation and Termination of Special Permitted Use.

Any SPU issued pursuant to this Subsection E.5. may be revoked, cancelled or suspended for the following causes or reasons:

- (i) When the use on the property for which the SPU has been issued ceases;
- (ii) When the holder of the SPU has been convicted of the violation of any provision of this Subsection, or a felony under the laws of the United States, this State, or of any other state of the United States;
- (iii) When the license or permit of the holder of the SPU has been terminated or revoked by the State of North Dakota;
- (iv) When the holder of an SPU at the location approved is in violation of health, or sanitary regulations or other ordinances or policies of the City of Williston relating to this Subsection E.5.;
- (v) When the City receives three or more complaints from individuals representing separate households or business within a forty-five-day period;
- (vi) When the holder of the SPU has made false statements in their application, or has supplied false information or made false representations in the application process;
- (vii) When any odors, debris, dust, fluids or other substances exit a Special Permitted Facility;
- (viii) When the licensee fails to properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable Federal, State and local laws and regulations.

j. Penalties and Violations.

Notwithstanding the penalties for violations provided for Ordinance No. 613 and any amendments thereto, the following violations shall be subject to the following penalties: any person, firm or corporation in violation of the provisions of this Subsection E.5. shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or penalty not to exceed \$1500 or by imprisonment not to exceed 30 days or other such fine and imprisonment. The owner of the subject premises and the

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licensee shall be jointly and severally liable for any odors, dust, fluids, or other substances exiting the Special Permitted Facility and shall be responsible for immediate, full clean-up and correction of such condition. The Court shall have the power to suspend said sentence and revoke the suspension thereof. Each day any person, firm, or corporation violates any provision of this Subsection E.5. shall constitute a separate offense. Nothing herein contained shall prevent the City from taking other such lawful action as is necessary to prevent or remedy any violation. [Ord. No. 1092]

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Compassion Center — Grower.

[Ord. No. 1075]

- a. Applications for an SPU for Compassion Center — Grower may only be approved if contingent on a successful application and approval of application to State for registration as a Compassion Center.
- b. An SPU for Compassion Center — Grower may not be located within 1,000 feet of the property line of a pre-existing public or private school or church.
- c. An SPU for Compassion Center — Grower may not be located within 300 feet of a residential zone.
- d. An SPU for Compassion Center — Grower may not be located with residential zoning on any side of the property.
- e. At time of application, applicant must provide odor control plans, including HVAC plans, which have been satisfactorily reviewed and approved by the Development Services Department on or before the final approval of the SPU.
- f. Said odor control plan must contain strategies to maintain an odor-free environment. No odors shall be detected beyond the borders of the property on which the SPU has been allowed.
- g. At time of application, applicant must provide a copy of intended application for a Compassion Center to the State.
- h. At time of application, applicant must provide a copy of notarized statement signed by the applicant holding the City harmless against claims and litigation for issuing an SPU.
- i. If approved by the State the applicant shall submit a copy of the current permit to the Planning and Zoning Department. In addition, the applicant must begin the construction or opening process by submitting building permits, showing that work toward becoming operational, or opening within 30 days of the issuance of state approval. If a Compassion Center — Grower has been approved, it must be operational within 18 months of State approval. If this is not done, the SPU will automatically become invalid.
- j. The Planning and Zoning Commission following the meeting at which the proposed SPU for Compassion Center — Grower was considered, shall make written findings certifying compliance with the specific rules governing compassion centers, that the compassion center will not adversely affect the public interest, and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - (i) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - (ii) Off-street parking and loading areas where required with particular attention to the items in (i) above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties and properties generally in the district.
 - (iii) Refuse and service areas, with particular reference to the items in (i) and (ii) above.

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- (iv) Utilities, with reference to locations, availability, and compatibility.
 - (v) Screening and buffering with reference to type, dimensions, and character.
 - (vi) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - (vii) Required yards and other open space.
 - (viii) General compatibility with adjacent properties and other property in the district, including odor of any manufacturing.
 - (ix) Use shall not impose a hazard to health or property.
- k. Revocation and Termination of Special Permitted Use.
- Any SPU issued pursuant to this Subsection E.1. may be revoked, cancelled or suspended for the following causes or reasons:
- (i) When the use on the property for which the SPU has been issued ceases;
 - (ii) When the holder of the SPU has been convicted of the violation of any provision of this Subsection, or a felony under the laws of the United States, this state, or of any other state of the United States;
 - (iii) When the license or permit of the holder of the SPU has been terminated or revoked by the State of North Dakota;
 - (iv) When the holder of an SPU at the location approved is in violation of health, or sanitary regulations or other ordinances or policies of the City of Williston relating to this Subsection E.1.
 - (v) When the City receives three or more complaints from individuals representing separate households or businesses within a forty-five-day period;
 - (vi) When the holder of the SPU has made false statements in their application, or has supplied false information or made false representations in the application process;
 - (vii) When any odors, debris, dust, fluids or other substances exit a Special Permitted Facility;
 - (viii) When the licensee fails to properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable Federal, State and local laws and regulations.
- l. Penalties and Violations.
- Notwithstanding the penalties for violations provided for Ordinance No. 613 and any amendments thereto, the following violations shall be subject to the following penalties: any person, firm or corporation in violation of the provisions of this Subsection E.1. shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or penalty not to exceed \$1500 or by imprisonment not to exceed 30 days or other such fine and imprisonment. The owner of the subject premises and the licensee shall be jointly and severally liable for any odors, dust, fluids, or other substances exiting the Special Permitted Facility and shall be responsible for

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immediate, full clean-up and correction of such condition. The Court shall have the power to suspend said sentence and revoke the suspension thereof. Each day any person, firm, or corporation violates any provision of this Subsection E.1. shall constitute a separate offense. Nothing herein contained shall prevent the City from taking other such lawful action as is necessary to prevent or remedy any violation.
[Ord. No. 1092]